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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,851	04/17/2001	Hidetoshi Aoki	043118-0102	4178
22428	7590	03/09/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,851

Applicant(s)

AOKI, HIDETOSHI

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/13/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 4 should be designated by a legend such as –Prior Art– because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa et al (US 5,892,595).

Regarding claim 1, Yamakawa teaches An image reading apparatus comprising: an image reading carriage, a reference position pattern element provided on a prescribed location in such a manner that it is able to be read by said image reading carriage which is

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caused to run; and a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected (Col 25 Lines 54-62; Col 26 Lines 22-34; Fig 23).

Considering claim 2, Yamakawa discloses The image reading apparatus as set forth in claim 1, further comprising a shading plate having a shading pattern formed thereon for performing shading correction, said reference position pattern element being formed on said shading plate at a portion thereof unprovided with said shading pattern (Col 27 Lines 20-27; Fig 26).

Regarding claim 3, Yamakawa discloses The image reading apparatus as set forth in claim 1, wherein said reference position pattern element comprises a straight line having an inclination of a prescribed angle with respect to a main scanning direction of said image reading carriage (Fig 23A).

Regarding claim 4, Yamakawa teaches The image reading apparatus as set forth in claim 3, wherein said reference position pattern element comprises at least two reference position patterns with a prescribed distance provided there between in an auxiliary scanning direction of said image reading carriage, said at least two reference position patterns being inclined with respect to said main scanning direction in an opposite relation to each other, and said control section reads said two reference position patterns by means of said image reading carriage, and detects, as the reference position, the position at which the distance between said two reference position patterns in said main scanning direction becomes a prescribed value (Col 28 Lines 25-61; Figs 27-28).

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Considering claim 5, Yamakawa discloses The image reading apparatus as set forth in claim 1, wherein said control section reads said reference position pattern element by first moving said image reading carriage a predetermined distance forwardly in an auxiliary scanning direction and then moving it rearwardly (Col 26 Lines 13-21).

Referring to claim 6, Yamakawa teaches The image reading apparatus as set forth in claim 5, wherein said prescribed distance is greater than a distance within which said image reading carriage is able to move before reaching an auxiliary scanning range, and less than a distance within which said image reading carriage is able to move after passing said auxiliary scanning range (Col 28 Lines 47-61).

Regarding claim 7, Yamakawa teaches The image reading apparatus as set forth in claim 2, wherein said control section detects the reference position by reading said reference position pattern element by means of said image reading carriage, makes said image reading carriage move a prescribed distance from said reference position to said image reading start position, thereafter further moves it to a shading correction pattern side to perform shading correction, and then moves said image reading carriage to said image reading start position again to make it stand by there until an image reading instruction is given (Fig 30; Col 29 Line 37-Col 30 Line 8).

Claim Objections

5. Claim 6 is objected to because of the following informalities: repetition of word in last line "said said auxiliary scanning range." Appropriate correction is required.

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Conclusion

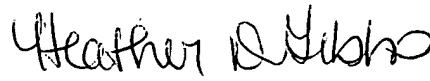
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanimoto et al (US 6,831,671) Light Beam Scanning Apparatus.

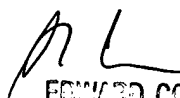
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNICAL FIELD